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# TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)  
D24-1e

In re Application of: Kevin A. Kelly, Thomas E. Lach, Ralph D. Lach, and Arthur W. Handshy

Application No.: 10/705,487

Filed: November 11, 2003

For: CHEST COMPRESSION APPARATUS FOR CARDIAC ARREST

The owner\*, Deca-Medics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,645,163. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or record.

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Signature

February 6, 2006

Date

Eugene F. Friedman

Typed or printed name

Attorney for Applicants

Registration Number 25, 627

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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PTO/SB/66 (08-00)

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## STATEMENT UNDER 37 CFR 3.73(b)

(D24-1e)

Applicant/Patent Owner: Kevin A. Kelly, Thomas E. Lach, Ralph D. Lach, and Arthur W. HandsbyApplication No./Patent No.: 10/705,487 Filed/Issue Date: November 11, 2003Entitled: CHEST COMPRESSION APPARATUS FOR CARDIAC ARRESTDeca-Medics, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 7940, Frame 0589, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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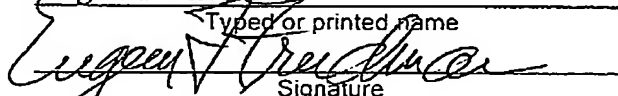
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

February 6, 2006

Date

Eugene F. Friedman

Typed or printed name



Signature

(312) 258-8882

Attorney for Assignee

Title

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